



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Sector #

In re application of : PATENT APPLICATION
Teller et al. : **SYSTEM FOR MONITORING HEALTH,
WELLNESS AND FITNESS**
Serial No. 09/602,537 :
Filed June 23, 2000 :

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL
APPLICATION FILED UNDER 37 CFR 1.53(b)
FILING DATE GRANTED**

Pittsburgh, Pennsylvania 15222

November 16, 2000

BOX MISSING PARTS
Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

Applicant respectfully submits an executed Declaration for Patent Application, pursuant to 37 CFR 1.63, in response to the Notice to File Missing Parts of Nonprovisional Application, Filing Date Granted, dated October 11, 2000, for the above-referenced patent application. The original copy of the Notice is enclosed herewith

A check in the amount of \$65.00 is enclosed as payment of the surcharge due upon filing of the missing parts of this application. Should this amount be improper or insufficient, the

I, Philip E. Levy, Esq., hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231 on:

11/16/2000

Date of Deposit

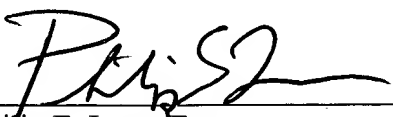
Signature

Commissioner is hereby authorized to charge any additional amounts or credit any overpayment to our Deposit Account No. 50-0525. A duplicate copy of this Response is also enclosed.

Upon review of the Filing Receipt it was noted that the number listed in the "Total Claims" column is incorrect. This continuation in part application was filed with a total of 123 claims, 3 of which were independent claims. A check was submitted for payment of the filing fee as well as the excess claims totaling over the 20 allowed at the time of filing. On September 12, 2000, a Preliminary Amendment was filed which added a total of 14 new claims to the application, one of which was an independent claim. A check in the amount of \$156.00 was included as payment of the fee for these additional number of claims. With the entry of the Preliminary Amendment, the total number of claims for examination in the above-referenced application should total 137, not 133 as indicated on the Filing Receipt. Applicant respectfully requests a correction of the original Filing Receipt to reflect the appropriate number of total claims present in the instant application and the issuance of a Corrected Filing Receipt reflecting this change. Should the fee submitted with the Preliminary Amendment be improper or insufficient, the Commissioner is hereby authorized to charge any additional amounts or credit any overpayment to our Deposit Account No. 50-0525. A duplicate copy of this Response is enclosed.

Respectfully submitted,

METZ SCHERMER & LEWIS, LLC

By 
Philip E. Levy, Esq.
Reg. No. 40,700
11 Stanwix St., 18th Floor
Pittsburgh, PA 15222

Attorney for Applicant

(412) 918-1100